

The Telecommunications section of the New Jersey Administrative Code is scheduled to expire in August 2006 and requires re-adoption. Board staff has reviewed the section and will be proposing certain modifications some of which are listed below to reflect the changing telecommunications market place. An opportunity for informal comments is being provided at this time so that the public's views can be heard prior to the initiation of a formal process. Informal written comments must be received at the Board, no later than April 4, 2006. The formal process will begin thereafter. The Board will review staff and the public's submissions, formulate the text of the proposed rule modifications and then send the rule proposal to the Office of Administrative Law (OAL) for publication in the New Jersey Register. Formal comments will then be garnered from all interested parties. Please note that if you do not submit informal comments, formal comments can still be submitted during the comments period scheduled by the OAL. Please refer to Docket No. TX06030230. Please send comments to: Thomas Chu, Senior Engineer, Board of Public Utilities, Two Gateway Center, Newark, NJ 07102 or Email to: Thomas.Chu@bpu.state.nj.us.

Major changes in N.J.A.C.14:10 Telecommunications

1. Reporting requirements for competitive services are being modified in recognition of the profound changes that have impacted the market for existing competitive telecommunications services. As a result of the Board's pro-competitive policies, Staff proposes to eliminate the existing reporting requirements for competitive services and in its place Staff proposes that all carriers authorized to provide service in the state must submit state-specific data to the Board which will allow the Board to identify how and where local competition is developing throughout the state.
2. A grandfathering clause for competitive service offerings is being proposed for a specific amount of time when carriers should notify the Board that a service is no longer available to a new customer.
3. Back billing and record retention clauses are being introduced for six year periods because there is not currently a provision in the N.J.A.C. addressing these issues for telecommunications carriers.
4. The requirements pertaining to the construction and attachments on private property are being deleted because they are now contained in the provisions for smart growth detailed in N.J.A.C. 14:3-8.
5. Telephone number pooling and portability now permits the allocation of telephone numbers in varying quantities. The regulation pertaining to reclamation was updated to cover the recovery of telephone numbers allocated to service providers in quantities of 10,000 as well as 1,000 or any other allocation quantity established in the future. The update also includes other circumstances where reclamation may apply.
6. The reporting requirements for some service quality metrics are proposed to be modified to specify increased geographical granularity (N.J.A.C. 14:10-1.10)
7. The minimal acceptable numeric standards associated with certain service quality metrics in N.J.A.C. 14:10-1.10 were updated and brought closer to the standards already applicable to Verizon New Jersey.

8. The following are changes that were made to N.J.A.C. 14:10-11.4 (recodified from N.J.A.C. 14:10-11.3): An amendment was made to section b 3(iii) to obtain the date of the verification during the third party verification (TPV) process. An amendment was made to section b 3(iv) which sets a time limit of 60 days for a TSP to submit a change order on behalf of a subscriber after a third party verification is completed. In addition to section b 3, (v) was added, which sets forth a standard in regards to the verifiers handling of consumer questions. N.J.A.C. 14:10-11.2 (recodified from N.J.A.C. 14:10-11.1) contains the definitions of words and terms used in this subchapter. The definition of the "Board" has been deleted as it is defined in 14:10-1.1 and does not need to be defined again in this subchapter.
9. A determination of penalties within statutory ranges (penalty matrix) is proposed to be added to provide a clear understanding of the penalties the companies are subject to when in violation of the slamming rules.
10. All of N.J.A.C. 14:10 has been reviewed to ensure that procedures are clear in intent, updated to reflect current conditions and less ambiguous.
11. Language that no longer applies has been eliminated. For examples, the section related to telegraph companies is no longer necessary because such companies no longer exist in the state; the existing reporting requirements for competitive services in recognition of profound changes in the telecommunications market place are being replaced with new requirements; N.J.A.C. 14:10-9.7(c) pertains to the requirement that the provider of inmate telephone service provide a letter of notification to the Board containing a complete description of the service to be provided along with the name of the correctional facility where the service will be provided. This report is not required for regulation; the language of N.J.A.C. 14:10-10.3 (f) which pertained to the balloting for interLATA presubscription is being deleted. This language is no longer necessary because all central offices have been converted.